

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

UNITED STATES,

Plaintiff,

v.

REGINALD J. MORGAN,

Defendant.

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CASE NO. 1:08-CR-00191

JUDGE DONALD C. NUGENT

MEMORANDUM OPINION & ORDER

In 2008, Defendant Reginald Morgan pled guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) and was sentenced to 71 months of incarceration. (ECF #26). He never appealed his conviction, and was released from prison in January 2014. On March 2, 2015, Morgan filed a “Motion of Ineffectiveness of Counsel” against his counsel, Timothy Ivey, alleging that his criminal history score was incorrectly calculated at sentencing, and that Ivey failed to file a motion to suppress. (ECF #28). Defendant does not request that his conviction or sentence be vacated or corrected, nor does he articulate any other relief being sought.

Morgan’s motion cannot be entertained as collateral attack under 28 U.S.C. § 2255 because he has not sought to vacate , correct or alter his sentence, and indeed his sentence has been fully served. Defendant’s case is otherwise closed. The Court therefore has no jurisdiction to consider this motion and it is accordingly **DENIED**.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and no basis exists upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ Donald C. Nugent  
DONALD C. NUGENT  
UNITED STATES DISTRICT JUDGE

DATE: May 27, 2015